

MAR 10 2008

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ADOLFO ALDAY-GONZALEZ,

Defendant - Appellant.

No. 06-10575

D.C. No. CR-05-00612-JMR

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
John M. Roll, District Judge, Presiding

Submitted February 26, 2008^{**}

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Adolfo Alday-Gonzalez appeals from his jury-trial conviction for conspiracy to transport unauthorized aliens for profit, in violation of 8 U.S.C.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1324(a)(1)(A)(v)(I), and aiding and abetting the transportation of unauthorized aliens for profit, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II), and 1324 (a)(1)(B)(i). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

We decline to review appellant's ineffective assistance of counsel claims on direct appeal, because this is not "the unusual case[](1) where the record on appeal is sufficiently developed to permit determination of the issue[s], or (2) where the legal representation is so inadequate that it obviously denies a defendant his Sixth Amendment right to counsel." *United States v. Jeronimo*, 398 F.3d 1149, 1156 (9th Cir. 2005).

AFFIRMED.